

A RESOLUTION BY

03-*ℓ*-2124

TRANSPORTATION COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE CHANGE ORDER NO. 2 FOR FC-7176-99, TECHNICAL SUPPORT CAMPUS, WITH ACI/EGM, A JOINT VENTURE BETWEEN AVIATION CONSTRUCTORS, INC. AND EBONY GLASS AND MIRROR, ON BEHALF OF THE CITY AND ITS DEPARTMENT OF AVIATION, IN AN AMOUNT NOT TO EXCEED ONE MILLION THIRTY SEVEN THOUSAND TWO HUNDRED TWENTY THREE DOLLARS (\$1,037,223.00), TO BE CHARGED TO AND PAID FROM FUND, ACCOUNT, AND CENTER NUMBER 2H21 573001 R21001.

WHEREAS, the City of Atlanta (the "City") entered into a Contract, FC-7176-99, Technical Support Campus, on behalf of the Department of Aviation at Hartsfield-Jackson Atlanta International Airport, dated October 20, 2000; and

WHEREAS, during the prosecution of the work, ACI/EGM alleged numerous claims against the City requesting additional compensation for owner caused delays, escalation of labor and material costs associated with the delays, rock removal, and design changes; and

WHEREAS, ACI/EGM and the City were unable to reach agreement on a final compensation for the claims during negotiations in July 2003 and the City withdrew its offer; and

WHEREAS, ACI/EGM filed a Civil Action in Fulton County Superior Court against the City seeking compensation for the alleged claims; and

WHEREAS, the Council of the City of Atlanta did approve one prior Change Order to this Contract that initially addressed other ACI/EGM claims related to new Storm Water Regulations: [i] Change Order No. 1 in the amount of \$556,250; and

WHEREAS, construction of the FC-7176-99, Technical Support Campus project was completed on April 22, 2002 and accepted by the City; and

WHEREAS, to close out the project, all outstanding issues and claims must be resolved between the City and ACI/EGM; and

WHEREAS, to this end, the Hartsfield-Jackson Development Program Project Officer has conducted a series of meetings and negotiations with ACI/EGM and ACI that have resulted in a settlement of all issues and claims between the City and ACI/EGM and between the City and ACI; and

WHEREAS, the Aviation General Manager, the Chief Procurement Officer, and the City Attorney believe it is desirable and in the best interest of the City to document this settlement with ACI/EGM in the form of a Change Order No. 2 for FC-7176-99, Technical Support Campus, in the amount of \$1,037,223.00 to be executed between the City and ACI/EGM.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee be and is hereby authorized to execute Change Order No. 2 with ACI/EGM, a Joint Venture between Aviation Constructors Inc and Ebony Glass and Mirror, on behalf of the City and its Department of Aviation, for a total not to exceed amount of \$1,037,223.00.

BE IT FURTHER RESOLVED, that Change Order No. 2 shall be charged to and paid for from Fund, Account, and Center Number: 2H21 573001 R21001.

BE IT FURTHER RESOLVED, that the Chief Procurement Officer of the Department of Procurement be and is hereby directed to prepare Change Order No. 2 for execution by the Mayor, to be approved by the City Attorney as to form.

BE IT FINALLY RESOLVED, that Change Order No. 2 shall not become binding on the City and the City shall incur no liability under it until it has been executed by ACI/EGM and the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to ACI/EGM.